

48th Human Rights Commission

'Südasiensien', 1-2/92, carried a memorandum prepared on behalf of the European NGO-Forum on Sri Lanka by the Country Working Group on Sri Lanka which was submitted to the 48. Session of the Commission on Human Rights of the United Nations. The commissions sittings took place during February. In furtherance to the report we publish the statement of the Chairman of the Commission on Human Rights expressing concern about the human rights situation in Sri Lanka, drawing attention to the report of the UN Working Group on Enforced or Involuntary Disappearances of a recent visit to Sri Lanka and supporting its recommendations (see also: 'Südasiensien', 1-2/92). Following also find a joint NGO statement on Sri Lanka prepared by the Forum's Country Working Group on Sri Lanka signed by 25 NGOs and prepared under Item 12 at the Commission, "Gross Violations of Human Rights" on 27. February 1992.

Chairman's Statement on the Human Rights Situation in Sri Lanka

I have been requested to make the following statement on behalf of the Commission:

The Commission acknowledges the measures by the government of Sri Lanka to address the human rights situation throughout the country, particularly the establishment of institutions and other mechanisms to monitor and inquire into reports of disappearances and other human rights violations, and that these measures have led to an improved human rights situation for the civilian population.

The Commission welcomes the full and valuable cooperation accorded by the government of Sri Lanka to the Working Group on Enforced or Involuntary Disappearances.

The Commission is, however, seriously concerned over the human rights situation in Sri Lanka indicated, inter alia, in the report of the Working Group (E/CN.4/1992/18/Add.1), particularly the large number of disappearances recorded by the Working Group, and concerned that, whilst there has been an overall decline, incidents of disappearance continue to be reported.

The Commission calls upon the government of Sri Lanka to further intensify its efforts to ensure the full protection of human rights and further calls upon all parties to respect fully the universally accepted rules of humanitarian law.

The Commission urges the government of Sri Lanka to continue to pursue a negotiated political solution with all parties, based on principles of respect for human rights and fundamental freedoms, leading to a durable peace in the north and the east of the country.

The Commission urges the government of Sri Lanka to implement the recommendations of the Working Group, and expresses its satisfaction at the willingness of the government of Sri Lanka to take the necessary steps to implement the recommendations of the Working Group.

The Commission welcomes the decision of the government of Sri Lanka to invite the Working Group on Enforced or Involuntary Disappearances to again visit Sri Lanka for the purpose, inter alia, of evaluating the progress of the implementation of its recommendations during the course of 1992.

The Commission looks forward to considering the Working Group's report of its follow-up visit to Sri Lanka at the 49th session of the Commission on Human Rights.

It is the wish of the Commission that this statement appear verbatim in the Report of the 48th session of the Commission on Human Rights.

NGO joint-statement on Sri Lanka

This is why we would like to address the next part of our intervention to the case of gross violations of human rights in Sri Lanka on behalf of twenty-five (25) NGOs who are joint-signatories of this statement.

Sri Lanka has been ruled under a continuing State of Emergency declared in May 1983 under which many of the basic democratic

rights and freedoms guaranteed by the country's Constitution have flagrantly been violated. Summary executions and enforced disappearances have run into tens of thousands, and prolonged detentions without trial, torture and deaths in custody have become commonplace. These violations, together with callous disregard shown for the norms set by international human rights and humanitarian law in the presently ongoing armed conflict between government forces and the LTTE, in our view deserve urgent consideration and action by this Commission.

Mr. Chairperson, this commission has before it the benefit of one of the most comprehensive reports (Doc: E/CN.4/1992/18/Add.1) of the Working Group on Enforced or Involuntary Disappearances (see also 'Südasiensien', 1-2/92, Editor). The report states, among other things, that the case of disappearances in Sri Lanka is the worst among 40/odd countries, that security forces have resorted to the tactic of "exemplary killing" to install fear among the people, and that the security forces and "death squads" linked with the army have been responsible for most of the disappearances and killings.

Mr. Chairperson, while we hold the government of Sri Lanka primarily responsible for all situations leading to human rights violations, as defenders of human rights let us state our clear positions on the violations of international humanitarian law by unofficial or non-State entities. We specifically condemn these violations by the JVP in the south and by the LTTE in the northeast of the country. While the scale of violations by the JVP has decreased recently after the capture and murder of its leadership by the security forces, we are not unmindful of the continuing violations by the LTTE, which include summary executions and unacknowledged detentions and torture of non-combatant civilians belonging to all the communities in the northeast.

Mr. Chairperson, we wish you to take serious note of the human cost of the ongoing armed conflict in the northeast between government forces and the LTTE in which thousands of civilians have perished and an estimated million people have been displaced. Women have suffered most. In this conflict, government forces have resorted to a sustained campaign of indiscriminate aerial bombardment which has resulted in the tremendous loss of life and property. A virtual economic blockade has been in operation since June 1990, depriving the people of the north of essential supplies including food, medicine and fuel. The Working Group noted that the Sri Lanka army came back to the northeast publicly vowing that the same strategy which they followed in the south in dealing with the JVP was going to be used in the northeast. This has led to mass killings and arrests, and to large-scale roundups of non-combatant Tamil civilians, including those in refugee camps. The Working Group has observed that many of those taken from refugee camps have later "disappeared".

Further on the commission: Statement by Ambassador Neville Jayaweera of Sri Lanka delegation and statement by Mr. Bradman Weerakoon of Sri Lanka delegation available with Südasiensienbüro. Please send DM 4.50 in stamps.